

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

STERLING NATIONAL BANK

v.

ROLANDO CURTIS FOODS, INC.,
et al.

:

:

: Civil Action No. DKC 2005-1196

:

:

MEMORANDUM OPINION

Presently pending are several motions for judgment by default against both Rolando Curtis Foods, Inc. and Delroy O. Walker. The clerk has attempted to obtain full documentation from counsel for Plaintiff, with only partial success.

It appears from the records in the above-entitled action that an Order of Default for want of answer or other defense was made on December 5, 2005, as to Rolando Curtis Foods, Inc. for failure to plead or otherwise defend as provided by the Federal Rules of Civil Procedure; and it appears that Rolando Curtis Foods, Inc. was properly served on May 27, 2005. In the papers supporting the judgment against the corporation, Plaintiff has established the right to recover the principal due (\$82,508), attorneys' fees (\$12,376.20), and costs (\$150). It has also established the right to recover interest at 1.5% per month, but has not substantiated the requested amount (\$11,767.67). Accordingly, judgment will be entered for \$95,034.20 against Rolando Curtis Foods, Inc.

The papers concerning the individual defendant lack a separate request for the clerk to enter default as contemplated by

Fed.R.Civ.P. 55(a). More importantly, there is no affidavit attesting that Mr. Walker is not an infant or incompetent person as required by Fed.R.Civ.P. 55(b)(2). Accordingly, the motions seeking judgment by default as to Delroy O. Walker will be denied.

/s/
DEBORAH K. CHASANOW
United States District Judge